

REMARKS

Status Summary

Claims 150 – 152, 158 – 164, 167 – 174, 181 – 187, 190 – 210, 213 – 221, 227 – 233, 236 – 251 and 269 – 290 are pending. Claims 279 – 284 are rejected. Claims 270 and 280 are rejected under 35 U.S.C. §112, fourth paragraph. Claims 150 – 152, 158 – 164, 167 – 174, 181 – 187, 190 – 210, 213 – 221, 227 – 233, 236 – 251, 269, 271 – 278 and 285 – 290 are allowed. Claims 271, 274 and 279 – 290 are presently amended. No new matter is presented by the amendments submitted herein. Reconsideration is respectfully requested in view of the aforementioned amendments and following remarks.

Objections to Claims

In item 2 of the official action, claims 279 – 284 are objected to for duplicating the word “is” within the claims. Official action, p. 2. Claims 279 – 284 are amended to correct these typographical errors. Claims 279 – 290 are also amended to correct additional typographical errors (i.e., “m³” should read “m²”; see e.g., Specification, p. 36, lines 3 – 4). Withdrawal of the objections to claims 279 – 284 is respectfully requested.

Rejections of Claims Under 35 U.S.C. §112, fourth paragraph

In item 3 of the official action, claims 270 and 280 are rejected under 35 U.S.C. §112, fourth paragraph for allegedly failing to further limit the claim from which they depend (i.e., claim 150). Specifically, the examiner alleges that a claim encompassing an anti-CD22 antibody comprising a light chain consisting of residues 21 to 239 of SEQ ID NO: 28 and a heavy chain consisting of residues 20 to 466 of SEQ ID NO: 30 is broader than an antibody comprising a light chain variable region comprising SEQ ID NO: 19 and a heavy chain variable region comprising SEQ ID NO: 27 because all of the sequences of SEQ ID NOs: 28 and 30 are not found in SEQ ID NOs: 19 and 27 respectively. Official action, pp. 2 – 3.

The applicants respectfully disagree with the examiner’s assertion. SEQ ID NO: 19 sets forth the sequence of the gL1 light chain variable region, which spans residues 21 through 132 of SEQ ID NO: 28. Claim 270 specifies a light chain that consists of residues 21 through 239 of SEQ ID NO: 28 (see the highlighted portion of SEQ ID NO: 28 below). This sequence includes

all of the residues of SEQ ID NO: 19, and thus falls within the scope of an antibody comprising a light chain variable region comprising SEQ ID NO: 19.

Similarly, SEQ ID NO: 27 sets forth the sequence of the gH7 heavy chain variable region, which spans residues 20 through 140 of SEQ ID NO: 30. Claim 270 specifies a heavy chain that consists of residues 20 through 466 of SEQ ID NO: 28. This sequence includes all of the residues of SEQ ID NO: 27, and thus falls within the scope of an antibody comprising a heavy chain variable region comprising SEQ ID NO: 27.

Thus claim 270 is proper because it includes all the limitations of the claim from which it depends in that the light chain includes a variable region comprising SEQ ID NO: 19 and the heavy chain includes a variable region comprising SEQ ID NO: 27. Accordingly, withdrawal of the rejections of claims 270 and 280 under 35 U.S.C. §112, fourth paragraph is respectfully requested.

Conclusion

All rejections having been addressed, it is respectfully submitted that claims 150 – 152, 158 – 164, 150 – 152, 158 – 164, 167 – 174, 181 – 187, 190 – 210, 213 – 221, 227 – 233, 236 – 251, and 269 – 290 are in condition for allowance and a notice to that effect is earnestly solicited. If any points remain in issue, which may be best resolved through a personal or telephone interview, the examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,
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Date: February 29, 2011

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